

REMARKS

It is believed that the amendments of the claims do not require any additional fees. However, if such fees are required, please charge them to deposit charge account 13-2492.

The claims in the case are claims 1 to 54. Applicant has studied the Office Action, the references, and the instant specification and claims and has noted that the Examiner has object to claims 7 and 8. Applicant has cancelled claims 7 and 8.

The Examiner has objected to claims 2 and 3 owing to informalities. The applicant has amended claims 2 and 3 to correct the informalities.

The Examiner has rejected claims 10 to 19, 21 to 25, 27 to 31, 33 to 39, 41 to 46, and 48 to 53 under 35 USC §112, first paragraph in view of the fact that the Examiner believes that the specification does not reasonable provide enablement for the claimed limitations of the "silicon-containing material" from part (III).

Applicant would direct the Examiners attention to page 9, lines 4 to 19, especially lines 12 to 19 for this information. It is applicant's belief that the disclosure at this point in the specification would enable one skilled in the art to practice the invention.

The Examiner further rejects the same claims under 35 USC §112, first paragraph, in that the claims further limit the "silicon-containing material" from part (III) when they should further limit the material from Part (II). Applicant agrees and has amended the claims to overcome this rejection.

The Examiner has rejected claims 1 to 54 under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, stating that the claims recite contacting a substrate with a material "capable of reacting at or near the substrate surface".

The applicant directs the Examiner's attention to page 6, line 14 to page 8, line 7 for this information. It is the applicant's belief that the disclosure at this point in the specification would enable one skilled in the art to practice the invention. Further, the Examiner has easily understood this part of the invention owing to the fact that he has cited two patents related to treating hard surfaces with Si-containing materials.

On the basis of the above remarks, the Examiner is respectfully requested to withdraw the rejections.

Turning now to the rejection of claims 1 to 3, 10 to 34, 36 to 38, 40, 41, 43 to 45, 47, 48, 50 to 52, and 54 under 35 USC §103(a) as being unpatentable over U.S. Patent Publication 2002/0048679 by Lohmer, et al in view of U.S. Patent 4,632,848 by Gosset, et al, the applicant disagrees with the Examiner's combination of these references in the manner that he has, and further, the Examiner has drawn the wrong conclusions from the teachings in those references.

The Examiner has noted that Lohmer teaches a method for treating a solid substrate comprising reacting the substrate with a reactive silane and then reacting the treated surface with a hydrophobic compound that ensures water-repellency. Applicant notes that the hydrophobic compounds are set forth by Lohmer at paragraph [0054] of the specification, and it is further noted that none of them deal with siliconates, silicates, or materials containing multi-silanol groups.

Because of the nature of this teaching, the Examiner combines Gosset, et al with Lohmer, et al and states that this combination teaches the forming of a protective coating on a surface, using a hydrophobic compound, potassium silicate, to improve the resistance to water.

Applicant notes for the Examiner that Gosset, et al teaches the combination of the potassium silicate with the entire coating material of Gosset, et al. Since Gosset, et al teaches the use and preparation of a system for a protective coating, why would one skilled in the art, having the Lohmer, et al patent in hand, be directed to segregate the potassium silicate of Gosset, et al and apply it as a second coating to the treated substrate? One would not of course. These two references have been impermissibly combined and the wrong conclusions have been drawn as a consequence of such a combination.

Based on the above remarks and amendments, the applicant believes that the claims are allowable over the cited art and the applicant requests that the Examiner withdraw the rejections and allow the claims to issue.

Respectfully submitted,

A handwritten signature in cursive script that reads "Robert L. McKellar". The signature is fluid and written in dark ink.

Robert L. McKellar

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